

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. Claims 1, 3-12, and 14-17 are pending in the application.

The independent claims have been amended to specify the limitations of canceled claims 2, 13, and 18, namely that each network switch port includes a port filter configured for determining the corresponding priority for the corresponding data frame received by that network switch port. Hence, prioritization of the data frames is distributed among the network switch ports. These and other features are neither disclosed nor suggested in the applied prior art.

Claims 1-3, 12 and 13 were rejected under 35 U.S.C. §102(e) over U.S. Patent Application Pub. No. 2003/0133406 A1 to Fawaz, with claims 4-11 and 14-17 rejected under §103(a) over Fawaz. These rejections are respectfully traversed as applied to claims 2, 3, and 18.

Fawaz describes in Figure 6 (and Figure 8) that the data packets that are received by the input buffers 302 (402) are passed to the classifier 304 (404), which classifies each packet in accordance with an SLA (see, e.g., Paragraph 51, 69).

Hence, Fawaz describes that the classification of packets is performed centrally by the classifier 304 (404).

Independent claims 1 and 12, however, specify that each network switch port includes a port filter, and that the port filter determines the priority value for the corresponding packet received by the network switch port. Fawaz provides no disclosure or suggestion of performing classification in each network switch port, as claimed.

For these and other reasons, the §102 rejection should be withdrawn.

In view of the above, it is believed this application is in condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a) or 1.17(e), to Deposit Account No. 50-0687, under Order No. 95-320, and please credit any excess fees to such deposit account.

Respectfully submitted,
MANELLI DENISON & SELTER PLLC

A handwritten signature in black ink, appearing to read 'L R Turkevich', with a stylized flourish at the end.

Leon R. Turkevich
Reg. No.: 34,035

Customer No. 20736
Date: November 18, 2004